



DEPARTMENT OF NATURAL RESOURCES

March 20, 2006

Mr. Barton O. Ives
DoD Regional Environmental Coordinator
Department of the Army
U.S. Army Environmental Center
Central Regional Environmental Office
647 Federal Building
Kansas City, MO 64106-2896

Dear Mr. Ives:

Thank you for your review and comments on Missouri's Risk-Based Corrective Action (MRBCA) Technical Guidance, received in a letter dated February 7, 2006. This letter is in response to your comments.

Comment #1: Your comments are consistent with our understanding of the Department of Defense's (DOD) stance regarding AUL's and covenants on DOD property. The citation regarding the General Services Administration's prohibition on environmental covenants is also accurate. However, these statements do not apply to the Department of Energy and may not apply to other federal agency landholders. The department agrees to add #5 in Section 11.3 as you suggest. The department also agrees to add the following to Section 11 with respect to Department of Defense properties:

11.3.5 Department of Defense Properties

An environmental covenant may not be required for property owned by the Department of Defense (DOD) until the time that such property is transferred to a nonfederal entity or person. For property owned by the DOD, other land use and/or institutional control mechanisms may be used as part of the federal Risk Management Plan or other appropriate remedial documentation, such as: corrective action decisions, statements of basis or similar decisions, whether formalized in a permit, consent decree, order, or similar enforceable mechanism that may be issued pursuant to the Solid Waste Disposal Act (42 USC §§ 6901 et. seq.) or any Missouri solid and hazardous waste laws. Other acceptable land use and/or institutional control mechanisms may include specific use and activity restrictions or conditions incorporated into base master plans, real property master plans, federal facility master land use plans, federal facility construction review and approval procedures, federal facility dig and ground disturbing activity review and approval procedures, federal facility environmental impact analysis procedures, or



Mr. Barton O. Ives
Page Two

Comment #2: We agree with you regarding the toxicity values. The department will eliminate the toxicity values corresponding to the inhalation pathway for perchlorate. As you have pointed out, perchlorate is a salt and it will not volatilize under typical environmental conditions; therefore, the inhalation toxicity values are irrelevant. An alternative way to think of this is that, for perchlorate, the inhalation pathway will always be incomplete.

We will include the solubility of $2.00\text{E}+05$ mg/l in the physical/chemical table. This value is representative of ammonia perchlorate and we will include this in the footnote.

Thank you again for your review. I trust this response adequately addresses your concerns, but if you wish to discuss further, please feel free to contact me at the Hazardous Waste Program, P.O. Box 176, Jefferson City, MO 65102-0176 or by telephone at (573) 751-6998.

Sincerely,

HAZARDOUS WASTE PROGRAM

(original signed by Linda Vogt)

Linda Vogt
Environmental Specialist IV

LV:jc